## **2006 DETROIT**



## BUILDING AND STANDARDS BOARD AGENDA ITEM #12 FOR WEDNESDAY, JANUARY 29, 2014

### ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

#### MEMORANDUM January 24, 2014

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez Hefner, Division Manager, Code Compliance Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 2006 Detroit Avenue, El Paso, Texas, 79902-3012

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on August 27th, 2012. The structures were condemned on March 27, 2013 to be demolished and the premises be cleaned. The structures were found open, abandoned in an advanced state of disrepair and being used as harborage by unwanted persons. This single family dwelling was built in 1957, constructed of CMU with plaster coating; bottom half with brick veneer and a wood framed roof structure. There is evidence of water damage on the ceiling exposing the joists. The roof rafters in the garage are exposed, over spanned and sagging due to a 4" concrete slab on the roof. There is an accumulation of combustibles, trash and debris strewn throughout the interior. The CMU rear addition and the brick veneer are detaching from the main structure.
- 2) A certified condemnation letter was mailed to Mario Juarez, Jr.
- 3) Certified notices of the public hearing scheduled for January 29, 2014, were mailed to the owners and all interested parties on January 16th, 2014.
- 4) As of January 15<sup>th</sup>, 2014, \$5,755.97 is owed in current taxes

The owner has been notified of the property violations at this property. The City of El Paso secured and cleaned the property on January 10, 2014; but there has been no response or corrective action taken by the property owner and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy remain revoked; and
- 4) That all the structures be demolished within thirty (30) days; and
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 6) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

#### Code Compliance Division September 4, 2012 **NOTICE OF VIOLATION**

Mario Juarez Jr. 2006 Detroit Ave. El Paso, Texas 79902-3012

> Re: 2006 Detroit Ave. Blk: 16 Highland Park

> > Lot: 24 & 25

Zoned: R-5 ENHS12-00633

7108 2133 3932 6884 4817

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

#### 18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

#### 18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### 18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### 18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **2006 Detroit Ave., El Paso, Texas, 79902** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- b. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within <u>30</u> days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Kevin Harrell Building Inspector

#### NOTICE OF PUBLIC HEARING

#### To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

**LOCATION:** El Paso City Hall, City Council Chamber, 300 N. Campbell, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** January 29th, 2014

**TIME:** 5:30 p.m.

**PROPERTY: 2006 Detroit Ave,** EL PASO, TEXAS also described as Lots 24 and 25, Block 16, THIRD AMENDED MAP OF HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas, according herein after referred to the "Property".

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property record of El Paso County, and other relevant public records, Mario Juarez, Jr., 2006 Detroit Avenue, El Paso, Texas 79902-3012, is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about September 4, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- b. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within <u>30</u> days of your receipt of this letter.

c. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

# FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO
CONTENT	
John Batoon	Ron Roth, C.B.O.
Assistant City Attorney	Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the true and correct conv. of the foregoing Notice race	
a true and correct copy of the foregoing Notice rega	
Detroit Avenue, El Paso, Texas was PUBLISHED in	ii the official City hewspaper on the
day of, 2014.	
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoing 2006 Detroit Avenue, was MAILED CERTIFIED-R to:	
Mario Juárez, Jr.	
2006 Detroit Avenue	
El Paso, TX 79902-3012	
211 450, 111 75502 5012	Date:
	Time:
	Inspector:
	•
I certify that a true and correct copy of the foregoing 2006 Detroit Avenue, was HAND-DELIVERED to:	
City of El Paso	
C/O City Clerk	
300 N. Campbell	
El Paso, TX 79901	Date:
,	Time:
	Inspector:
I certify that a true and correct copy of the foregoing 2006 Detroit Avenue, was MAILED CERTIFIED-R to:	
Governor of the Ysleta Del Sur Pueblo Indian Tribe	
AKA Tigua Indian Community	
119 S. Old Pueblo Road	
El Paso, Texas 79907	
Li 1 450, 10A45 17701	Date:
	Date: Time:
	Inspector:

2006 Detroit Avenue, was MAILED CERT to:	
El Paso Central Appraisal District	
5801 Trowbridge Ave.	
El Paso, Texas 79925	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 2006 Detroit Avenue, was MAILED CERT to:	
El Paso County Probate Court 500 E. San Antonio Avenue, Suite 105	
El Paso, Texas 79901	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 2006 Detroit Avenue, was MAILED CERT to:	
Delgado, Acosta, Spencer	
Linebarger, Heard & Pérez, LLP	
Attn: Bonnie Cooper	
221 N. Kansas Suite 1400	
El Paso, TX 79901	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the f 2006 Detroit Avenue, El Paso, Texas.	oregoing Notice was POSTED at
	Date:
	Time:
	Inspector

#### ORDER No. ENHS12-00633 OF THE CITY OF EL PASO BUILDING AND STANDARDS COMMISSION

**WHEREAS**, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the Building and Standards Commission in writing that he is of the opinion that the structure located on the property at 2006 Detroit, in El Paso, Texas, which property is more particularly described as follows:

**Legal Description:** Lot 24 and 25, Block 16, THIRD AMENDED MAP OF HIGHLAND PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof on file in the office of the County Clerk of El Paso County, Texas.

Is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and does not meet the minimum standards for continued use.

**WHEREAS**, the Commission finds that proper notice has been provided as required by Chapter 2.38 of the El Paso City Code to the identified interested parties identified as: Mario Juarez, Jr. (Owner), 2006 Detroit Ave., El Paso, Texas 79902-3012, herein after collectively referred to as the "Owner"; and

WHEREAS, Mario Juarez, Jr. (Owner) appeared; and

**WHEREAS,** Upon the preponderance of the evidence provided by the Director of Environmental Services, the Building and Standards Commission made the following findings;

- 1. That the structures located on said property is an urban nuisance; and
- 2. That in order to be made safe, all of the aforementioned violations must be corrected; and
- 3. That the structures located on said property are currently unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- 4. That the structures are not in compliance with the municipal ordinances regulating structural or service systems integrity and disposal of refuse; and
- 5. That because of the owner(s) failure to supply any drawings, plans, or reports to indicate otherwise, the structure cannot be repaired.

**WHEREAS,** The Building and Standards commission ordered the Owners to demolish the structure and clean the property of all weeds trash and debris within thirty (30) days from Order dated January 30, 2013.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE BUILDING AND STANDARDS COMMISSION OF THE CITY OF EL PASO:

- 1. That the Owner(s), mortgagees, lienholders, and/or any other person having an interest in the property failed to comply with the Order, dated January 30, 2013.and that the City of El Paso, through its Director for Code Compliance Division of Environmental Services, shall:
- A. Demolish the structures
- B. Clean the property of all weeds, trash and debris; and
- C. Assess the cost of the work noted above as a lien against the property which will become due and payable within thirty (30) days of the date the City of El Paso completes the work; and
- D. That the Owner be assessed Civil Penalties of \$100.00 a day for 57 days during which time the Building and Standards Commission Order of **January 30, 2013** was not complied with for a total of \$5,700.00 for failure to comply with the Order as allowed by Texas Local Government Code Chapter 54; and
- E. Provide any other remedies permitted by State law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the City Clerk shall cause copies of this Order to be served on the record owner (s) and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own or have an interest in the property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the twentieth

(20<sup>th)</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

DING AND STANDARDS COMMISSION
Robert Filarski, Chairman, Panel A
APPROVED AS TO CONTENT:
Tom Maguire, C.B.O.
Deputy Building Official
Code Compliance Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing ORDER dated		
Richar	rda Duffy Momsen	
I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013, regarding the property at 2006 Detroit, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:		
Mario Juarez, Jr. 2006 Detroit Ave.		
El Paso, Texas 79902-3012		
	Date:	
	Time:	
	Inspector:	
I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013 regarding the property at 2006 Detroit, El Paso, Texas, was [HAND DELIVERED] to:		
City of El Paso C/O City Clerk #2 Civic Center Plaza El Paso TY 70001		
El Paso, TX 79901	Date:	
	Time:	
	Inspector:	
I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013 regarding the property at 2006 Detroit, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:  Governor of the Ysleta Del Sur Pueblo Indian Tribe AKA The Tigua Indian Community 119 S. Old Pueblo Road El Paso, TX 79907		
LIT 650, 171 17701		
	Date:	
	Time:	
	Inspector:	

I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013 regarding the property at 2006 Detroit, El Paso, Texas, was [MAILED CERTIFIED RETURN RECEIPT REQUESTED] to:

El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925 Date:\_\_\_\_\_ Time: \_\_\_\_\_ Inspector: I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013 regarding the property at 2006 Detroit, El Paso, Texas was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to: El Paso County Clerk Probate Dept. 500 E. San Antonio Avenue, Suite 105 El Paso, Texas 79901 Date: \_\_\_\_\_ Time:\_\_\_\_ Inspector\_\_\_\_ I certify that a true and correct copy of the foregoing ORDER of the Building and Standards Commission dated March 27, 2013 regarding the property at 2006 Detroit, El Paso, Texas was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to: Delgado, Acosta, Spencer Linebarger, Heard & Perez, LLP Attn: Bonnie Cooper 221 N. Kansas Suite 1400 El Paso, TX 79901 Date: \_\_\_\_\_ Time: Inspector\_\_\_\_ I certify that a true and correct copy of the foregoing ORDER of the Building and Standard Commission dated March 27, 2013, was POSTED at 2006 Detroit, El Paso, Texas. Time: \_\_\_\_\_

Inspector:



### UNSAFE STRUCTURES REPORT

#### **BUILDING PERMITS AND INSPECTIONS**

DATE OF EXAMINATION: January 23, 2012 REP. DISTRICT: 8

**ADDRESS**: 2006 Detroit Ave., El Paso, TX **ZONED**: R-5

**LEGAL DESCRIPTION:** Block 16, Third Amended Map of Highland Park Addition, Lots 24 and

25.

**OWNER:** Mario Juarez Jr. **ADDRESS:** 2006 Detroit Ave.

El Paso, TX 79902-3012

**BUILDING USE:** Abandoned single-family dwelling

**TYPE OF CONSTRUCTION:** Type V

**FOOTINGS:** Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A

structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** CMU with plaster coating

**CONDITION:** Poor. The foundation wall is deteriorated and shows large structural cracks

throughout.

**FLOOR STRUCTURE:** 2 x 6 wood floor joists with plywood subdecking w/linoleum covering. **CONDITION:** Poor. The floor shows signs of water damage and most of it is covered with personal belongings and combustibles.

 $\textbf{EXTERIOR WALLS:} \ \ \text{CMU walls with stucco coating and bottom half w/brick veneer.}.$ 

**HEIGHT**: 20' +/-**THICKNESS:** 8"-12"+/-

**CONDITION:** Poor. The brick veneer and CMU addition is detaching from the main structure. Exterior walls have large structural cracks due to exposure to elements and lack of maintenance.

**INTERIOR WALLS & CEILINGS:** Walls are wood frame w/sheetrock and plaster coating; ceilings are wood frame w/acoustical ceilings and sheetrock.

**CONDITION:** Poor. Ceilings are quickly deteriorating due to water damage by roof leakage; the ceiling has collapsed in one room exposing underlying structural members.

**ROOF STRUCTURE:** Wood frame with composition shingle roof covering.

**CONDITION:** Poor. A registered roof contractor must be hired to evaluate roof system.

**DOORS, WINDOWS, ETC.:** Wood frame doors, aluminum frame and casement windows.

**CONDITION:** Poor. Doors and window glass are broken; the doors and windows will need to be replaced to meet minimum code compliance

MEANS OF EGRESS: Does not meet means of egress

**CONDITION:** Poor. Doors and windows must be replaced to meet means of egress building code compliance.

PLUMBING: Unknown.

**CONDITION:** Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

**ELECTRICAL:** Unknown. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

**MECHANICAL:** Unknown. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

**WARNING POSTED:** Yes **BARRICADED:** No **POLICE AID REQD.** : No

**REMARKS:** The single family dwelling was built in 1957. The structures were found open, abandoned and used as harborage by unwanted persons and in an advanced state of disrepair. The structure has been vandalized. The doors and the glass on windows have also been broken. The roof system has failed due to lack of maintenance and the ceiling system is in disrepair throughout the structure. The exterior CMU walls have large structural cracks due to lack of maintenance and neglect. The plumbing, electrical, and mechanical systems do not meet minimum code requirements. There are weeds, trash and debris throughout the property. The department recommends that the main structure be demolished within thirty (30) days and that the property be cleaned of all weeds, trash and debris within thirty (30) days and the detached garage be demolished within thirty (30) days.

Nathan J. Walsh **Building Inspector** 

## TAX REPORT

